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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,993	07/12/2000	Fred Boyle McCormick	55085USA1A.002	3298

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EXAMINER

QUARTERMAN, KEVIN J

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/614,993

Applicant(s)

MCCORMICK ET AL.

Examiner

Kevin Quarterman

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-42 is/are rejected.
- 7) ☒ Claim(s) 39 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II, claims 37-42, in Paper No. 8 is acknowledged. The traversal is on the ground(s) that the claims of Group I and Group II are so interrelated that a search on one group would reveal art and a separate examination of the claims would require substantial duplication of work on the part of the U. S. Patent and Trademark Office. This is not found persuasive because the Examiner has established a good and sufficient showing that the inventions of Group I and Group II are distinct. It is noted that in the Examiner stated that the inventions of Group I and Group II have acquired separate status in the art as shown by their separate classification. This statement properly satisfies the criteria for establishing undue burden in accordance with MPEP § 808.02 (A).
2. Therefore, the restriction requirement is still deemed proper and is therefore made FINAL.

Claim Objections

3. Claims 39 and 42 are objected to because of the following informalities: The term "dessicating" in claim 39 appears to be misspelled.
4. Claim 42 states "the substrate comprises glass the anode comprises indium tin oxide, the hole transporting layer comprises 4,4'-bis(naphthalene-2-yl)-N,N'-diphenyl benzidine, the light emitting layer comprises coumarin-doped tris(8-hydroxyquinolino)aluminum, the electron transporting layer comprises, and the cathode comprises lithium fluoride and aluminum." There appears to be a comma

missing after the word "glass" in the first line of the claim. Also, the composition of the electron-transporting layer is missing.

5. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 37-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 37 recites the limitation "the layers between the anode and cathode are surrounded by an adhesive layer" in lines 1-2 of the claim. It is unclear which *layers* the adhesive layer surrounds. There is insufficient antecedent basis for this limitation in the claim. The Examiner also notes that there is insufficient antecedent basis for "the electrode substrate" in the claim. Due to their dependency upon independent claim 37, claims 38-42 are also deemed indefinite.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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10. Claims 37-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito (US 5652067).

11. Regarding independent claim 37, Figure 1 of Ito shows an article comprising an organic electronic device wherein the layers between the anode (2) and cathode (5) are surrounded by an adhesive layer (8) and wherein the circumference of the adhesive layer is equal to the circumference of one or both of the electrode substrate or sealing layer.

12. Regarding claim 38, Ito discloses that the adhesive is selected from the group comprising hot melt adhesive, pressure sensitive adhesives, curable adhesives, and filled adhesives (col. 19, ln. 56-61).

13. Regarding claim 39, Ito discloses that the filled adhesive is selected from the group comprising electrically conductive adhesives, thermally conductive adhesives, and desiccating adhesives (col. 19, ln. 56-61).

14. Regarding claim 40, Figure 1 of Ito shows the circumference of the adhesive layer greater than that of an electrode.

15. Regarding claim 41, Ito discloses that the article is an organic EL device.

16. Regarding claim 42, Ito discloses the substrate comprising glass, the anode comprising ITO, the hole transporting layer comprising 4,4'-bis(naphthalene-2-yl)-N,N'-diphenyl benzidine, the light emitting layer comprising coumarin-doped tris(8-hydroxyquinolino)aluminum, and the cathode comprising lithium fluoride and aluminum (col. 7).

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Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsuura (US 5516577) discloses an organic electroluminescence device. Pope (6218774) discloses a electroluminescent display screen.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (703) 308-6546. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703) 305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Kevin Quarterman
Examiner
Art Unit 2879

kq

April 7, 2003



Vip Patel
Primary Examiner
Art Unit 2879